

NO. 5:19-CR-428-FL

ORDER

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## COURT'S DISCUSSION

Defendant indicates that he is currently housed in the Special Housing Unit ("SHU") at the Federal Correctional Institution in Butner, North Carolina, ("FCI Butner"), where his access to attorney Croutharmel is limited to one phone call every 30 days. In addition, according to defendant, attorney Croutharmel is prohibited from visiting defendant at FCI Butner due to threat posed by the communicable disease known as COVID-19. As such, defendant seeks additional telephone access to consult attorney Croutharmel in preparation for his upcoming sentencing.<sup>1</sup>

While the court is mindful of defendant's reasonable need to consult with standby counsel, the record reflects that attorney Croutharmel in fact received a telephone call recently from defendant, on May 14, 2020. (See Notice (DE 64) ¶ 9). In light of this recent call, and without benefit of response from the government, the court requires additional information before ruling on defendant's motion.


Accordingly, the court HOLDS IN ABEYANCE defendant's motion (DE 62). The court DIRECTS attorney Croutharmel to file response within **seven days** of the date of this order, indicating 1) the frequency of standby counsel's telecommunication with defendant and 2) the amount of telecommunication time going forward deemed reasonably necessary for defendant effectively to prepare for defendant's sentencing. Likewise, the court DIRECTS the government to file response within **seven days** of the date of this order, providing 1) the status of defendant's telephone access to standby counsel, and if limited, 2) SHOW CAUSE why such access should not be increased. With benefit of these views the court will take up and decide the issue presented.

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<sup>1</sup> Where defendant seeks access to attorney William Webb regarding defendant's civil commitment under 18 U.S.C. § 4248, he shall file such request in case No. 5:08-HC-2156-BO, his case of original commitment, not this criminal case.

Finally, for reasons stated in the court's April 8, 2020, order, defendant's motion for reconsideration (DE 63) is DENIED.

SO ORDERED, this the 18th day of May, 2020.

  
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LOUISE W. FLANAGAN  
United States District Judge